

REMARKS

This is in response to the Office Action of December 9, 2004.

Claims 6, 7 & 10-12 have been allowed and Claims 3, 8 and 9 have been objected to. Claims 1, 2, 4, and 5 have been rejected on the prior art.

Applicant has amended the claims and will now specifically discuss the references and the reasons why the existing claims are patentable over the existing claims of references of record.

CLAIM REJECTION—35 U.S.C. §103

Claims 1, 2 4 and 5 been rejected under 35 U.S.C. 103(a) as being unpatentable over Dartt in view of Crimmel. It is contended that Dartt discloses a rack comprising a single formed wire having a base and a plurality of holding wire slots spaced from the base and a raised central wire slot (uppermost slot).

Crimmel is said to disclose a wire rack having a base and wire cross-member welded to the base for support.

It is further contended that it would have been obvious to one skilled in the art to provide the rack of Dartt with the welded of cross-member of Crimmel in order to help strengthen the rack.

In response to the Examiner's comments, applicant has cancelled Claims 1, 2 and 4 and has substituted new Claim 13 upon which rejected Claim 3 has been made dependant. New Claim 13 notes that the form wire has a single raised central slot to be used as a handle, the base comprises a rectangle having three sides of the formed wire, and the fourth side comprises an elongated cross member. Crimmel does not disclose a wire cross-member mounted to the base but rather to the vertically extending portions 3. Neither of the references discloses a cooking

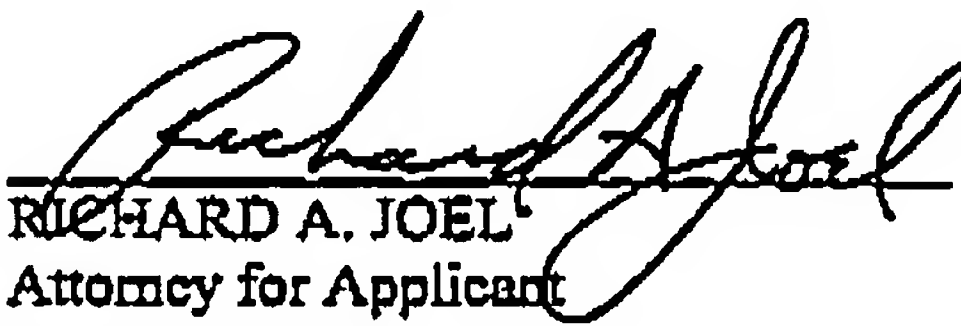
rack, which is adaptable to be used in two positions as disclosed by applicants. Further, the Dartt reference for a display stand comprises a plurality of upwardly extending slots none of which is designed to act as a handle. Both Crimmel and Dartt serve a very different use and hence, the teachings are not readily transposable to applicants' disclosure. Additionally, the fact that the slot wire and handle slot are positioned to engage and support a cylindrical can therebetween, provides a further limitation on Claim 13. This limitation is not disclosed in any of the cited references.

CONCLUSION

Applicants have cancelled Claim 1, 2, 4 and substituted Claim 13 and Claim 5 has been made dependant upon said Claim 13. The claims that have been objected to have been rewritten in independent form including all of the limitation of the base claim and the intervening claims. Therefore, Claims 6, 7 10-12 have already been considered allowable by the Examiner and objected claims, which have been rewritten and appear as Claim 14 with Claims 8-9 dependant thereon.

In view of the amendments to the claims, reconsideration and allowance of the application is respectfully requested.

RESPECTFULLY SUBMITTED,


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